

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IRYNA ZHYRIADA,

Plaintiff,

v.

HEALTHCARE REVENUE RECOVERY
GROUP, LLC,

Defendant.

CIVIL ACTION

NO. 19-5703

ORDER

AND NOW, this 26th day of April, 2023, upon consideration of Defendant's Motion for Summary Judgment, (ECF 16), and all responses and replies thereto, (ECF 21, 22, 29), and after holding oral argument on the Motion, (ECF 33), it is hereby **ORDERED** that the Motion is **DENIED** for the reasons stated on the record at today's oral argument.¹

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.

¹ Following the Court's explanation of its decision at oral argument, defense counsel asked the Court to certify its decision for immediate interlocutory appeal. A district court may certify a non-final order for interlocutory appeal under 28 U.S.C. § 1292(b) if "(1) the issue involve[s] a controlling question of law; (2) as to which there are substantial grounds for difference of opinion; and . . . (3) an immediate appeal of the order may materially advance the ultimate termination of the litigation." *Simon v. United States*, 341 F.3d 193, 199 (3d Cir. 2003). "Even if all of the elements" of § 1292(b) "are satisfied, the decision to certify an interlocutory order for appeal . . . 'rests within the sound discretion of the trial court.'" *Knipe v. SmithKline Beecham*, 583 F. Supp. 2d 553, 599 (E.D. Pa. 2008) (quoting *L.R. v. Manheim Twp. Sch. Dist.*, 540 F. Supp. 2d 603, 608 (E.D. Pa. 2008)). Substantial grounds for difference of opinion do not exist with respect to the questions of law upon which the Court based its decision.